

## PLANNING AND ZONING BOARD

AUGUST 9, 2006

### 1. ROLL CALL

The meeting was called to order at 7:03 p.m. Board members present were Chair Mike Bender, Vice-Chair Scott McLaughlin, Philip Busey, John Stevens and Mimi Turin. Also present were Councilmember Caletka, Town Attorney Monroe Kiar, Planning and Zoning Manager Bruce Dell, Planners Ingrid Allen and Phil Bachers, and Board Secretary Janet Gale recording the meeting.

Councilmember Caletka introduced the new Board member, Dr. Philip Busey, whom he assured would be an asset to the Board.

### 2. APPROVAL OF MINUTES: May 24, 2006 June 14, 2006 July 12, 2006 July 26, 2006

Chair Bender asked that the Minutes of July 12, 2006, be corrected to show that he had not been opposed to the variance request V 4-1-06. He had stated at that meeting that the reason he voted in the majority was to move the item forward. Had he voted against the motion to deny, the item would have been tabled. Ms. Gale indicated that she would add the statement.

Mr. Kiar pointed out a typographical error on page one of the July 26, 2006, minutes where the word engineering had been misspelled.

Mr. Stevens made a motion, seconded by Ms. Turin, to approve the minutes of May 24, June 14, July 12, and July 26, 2006, as corrected. In a voice vote, all voted in favor. **(Motion carried 5-0)**

### 3. PUBLIC HEARING

Chair Bender advised that the applicants for items 3.3 and 3.4 requested to be reviewed simultaneously and first as they had a prior commitment at the Broward County Water Control District.

Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, "to move those items up." In a voice vote, all voted in favor. **(Motion carried 5-0)**

3.3 SE 4-1-05, Davie Travel Center. Inc/Sawchuk, 4751 SW 30 Street (TS)

3.4 SE 10-1-05, Davie Travel Center Inc./Brauser, 4751 SW 30 Street (TS)

Nectaria Chakas, John Rayson, Steve Fielden and Melissa Ross, representing the petitioner, were present. Mr. Bachers read the planning report for item 3.4. Mr. Dell advised that the report was the same for item 3.3 with the exception that the petitioner was requesting two temporary trailers. He added that the duration of the special permit was for 18 months and that an extension could be requested for an additional 18 months.

Chair Bender asked if there was a list of the current Code violations on this property and if the violations still existed. Mr. Dell responded that this plan was addressing the violations and the uses that were listed were allowed by Code under the special permit. The Notice of Violation had been issued in March 2006 and Ms. Chakas answered questions posed by Board members regarding the Special Magistrate Hearing.

Mr. Busey asked what enforcement measures were in place should "junk vehicles" be found on the property. Mr. Dell explained the process. Mr. Busey was concerned with the parameter set for roofing materials and paving materials. Mr. Dell explained that if it chose to, this Board could specify limitations; however, the uses were set to accommodate some of the businesses already established on the property.

Using a site plan and aerials, Ms. Chakas provided a presentation to better explain the intent of the proposal. She elaborated on the plans for an enhanced buffer in order to screen this temporary use and indicated that the buffer would eventually serve the permanent mixed-use project ultimately planned for the site.

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Mr. Busey was curious about the economic feasibility of establishing this temporary use for a short period of time. Mr. Fildon explained that the intent was to use the property for a “higher and better use” and that they had “run the numbers” and determined that “it would be worth it to do this on a temporary basis.”

Vice-Chair McLaughlin asked about the site plan and which area was proposed to confine the established businesses. Mr. Fildon indicated what was proposed for that specific area.

Chair Bender asked if anyone wished to speak for or against this item. As there were no speakers, he closed the public hearing.

Chair Bender indicated that he had a few problems with these items and he explained what they were. Mr. Busey agreed to a degree; however, his main concern was that the temporary use was creating a complex regulatory situation. A discussion ensued regarding the conceptual plans for the property, time frames, and the Town’s plans for the entire district. Vice-Chair McLaughlin indicated that he would like to see a detailed landscape plan go through the site plan process and Mr. Fildon described it further.

Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve SE 10-1-05 for a 12-month period with the stipulation that they file a landscape plan with the Town to go through the site plan process; with the uses as stated: no additional uses, no hazardous waste, no fuel storage, oils, grease, any contaminants or flammables that would include any hot tar for roofs or anything, although tar in containers would be fairly safe; no repairs of vehicles; and include staff’s recommendations which were made in the planning report. In a roll call vote, the vote was as follows: Chair Bender – no; Vice-Chair McLaughlin – yes; Mr. Busey – no; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 3-2)**

Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve SE 4-1-05 for a 12-month time period on the two temporary trailers to run concurrently with special permit SE 10-1-05. In a roll call vote, the vote was as follows: Chair Bender – no; Vice-Chair McLaughlin – yes; Mr. Busey – no; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 3-2)**

*Variances*

3.1 V 2-6-06, Novaro, 3101 SW 144 Terrace (R-1)

Rick Novaro, the petitioner, was present. Mr. Bachers summarized the planning report.

Mr. Dell explained how the situation evolved with the implementation of the rural lifestyle. He indicated that because of the placement of the house on the cul-de-sac, the fence “would not look right” if the front were reduced to four-feet.

Chair Bender stated that he was familiar with the neighborhood and opined that it would not be a problem nor would it be a detriment.

Later in the meeting, Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Mr. Stevens made a motion, seconded by Mr. Busey, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – no; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-1)**

3.2 V 6-1-06, Cossin/Khan, 10940 SW 28 Court (R-1)

Carl Cossin and Majid Khan, representing the petitioner, were present. Ms. Allen summarized the planning report

Mr. Cossin explained the intent of the request was to make the 40-year old structure safer.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

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A brief discussion ensued in which Mr. Cossin answered questions posed by Board members. Mr. Cossin provided a survey for Vice-Chair McLaughlin's review of details.

Mr. Stevens indicated that he would have appreciated acknowledgement from the immediate neighbors that they had no objection. Mr. Khan indicated that besides the mandatory public notices, he had spoken with his neighbors and they had no problem with the request. Chair Bender recommended that Mr. Khan may wish to bring a letter to the Council meeting which would indicate that his neighbors understood the variance request and had no problems with it.

Vice-Chair McLaughlin stated that he did not see the hardship for the request as the improvements could be made within the existing setback.

Chair Bender believed that there would be a lot more cases like this whereby homes built in the 60's and 70's prior to Code changes and which sustained damage from recent hurricanes, would require variances in order to make renovations. He had no problem with the request.

Ms. Turin made a motion, seconded by Chair Bender, to approve. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair McLaughlin – no; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-1)**

**4. OLD BUSINESS**

There was no old business discussed.

**5. NEW BUSINESS**

Mr. Kiar introduced a new colleague of the Town Attorney's Office, Martin Hines.

**6. COMMENTS AND/OR SUGGESTIONS**

Chair Bender welcomed Mr. Busey to the Board.

Mr. Stevens asked that staff encourage variance applicants to obtain letters from neighbors whenever possible. Mr. Dell indicated that staff did make the recommendation; however, they would emphasize in the future how much it was appreciated by the Board if they could show that those most imminently impacted by their request, had no objections.

**7. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 8:32 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Chair/Board Member